IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL(L) NO. 985 OF 2002.
WITH
NOTICE OF MOTION NO. 3290 OF 2002.

The Commissioner of Income-tax,
City-XIII, Mumbai. ..Appellant.

vs.

Shri M. L. Sutaria .. Respondent.

Shri Parag Vyas i/b G.C. Mishra for the Appellant.

CORAM : V.C.DAGA AND J.P. DEVADHAR, JJ.

DATED : 20.9. 2005.

P.C. :

. On the motion made by the learned Counsel appearing for the appellant, he is allowed to withdraw this appeal. Appeal is dismissed as withdrawn with no order as to costs.

. Appellant would be entitled to refund of court fee as per Rules.

. With the withdrawal of the appeal, Notice of Motion would not survive.

(J.P. DEVADHAR,J.) **(V.C DAGA,J.)**